

REMARKS

Claims 1-21 are pending.

Claims 22 and 23 have been added.

In the Office Action mailed May 21, 2010, claims 1-21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Welch (U.S. Patent No. 7,277,423) in view of Andersson (U.S. Patent No. 6,434,380).

STATEMENT OF COMMON OWNERSHIP REGARDING MIZELL (U.S. PATENT NO. 7,420,951)

In the Amendment filed April 20, 2010, a statement was made that the present application and Mizell (U.S. Patent No. 7,420,951) were, at the time the invention of the present application was made, owned by or subject to obligation of assignment to the same person (Nortel Networks Limited). Consequently, Mizell is disqualified as prior art pursuant to 35 U.S.C. § 103(c).

The foregoing statement is accurate; however, in the interest of full disclosure, Applicant would like to bring to the Examiner's attention the fact that on or after March 31, 2010, U.S. Patent Nos. 7,420,951 (Mizell) was assigned from Nortel Networks Limited to Kapsch Carriercom France S.A.S., as indicated in an assignment recordation recorded on August 16, 2010. A copy of the Patent Assignment Abstract of Title is attached herewith.

The assignment of Mizell to Kapsch from Nortel Networks Limited in 2010 does not change the fact that the present application and Mizell were, at the time the invention of the present application was made (on or before March 8, 2004), owned by or subject to obligation and assignment to the same person (Nortel Networks Limited).

Therefore Mizell is disqualified as prior art pursuant to § 103(c).

SPECIFICATION OBJECTION

The specification was objected to as purportedly not including appropriate section headings. Page 1 of the specification includes the following section headings: “Technical Field” and “Background”. Page 2 of the specification includes the following section heading “Summary”. Page 3 of the specification includes the following section headings: “Brief Description of the Drawings”, and “Detailed Description”.

There is no requirement that the section headings in the specification must be identical in language to the section headings provided on page 2 of the Office Action. In view of the fact that section headings already exist, withdrawal of the Specification objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103 OVER WELCH AND ANDERSSON

Claim 1 has been amended to recite that the pre-allocating includes storing a pointer associated with a particular mobile station or a particular group of mobile stations, where the pointer indicates that the pre-allocated resources are useable by the particular mobile station or particular group of mobile stations for call setup. Support for the amendment of claim 1 can be found at least in ¶¶ [0039]-[0040] of the present application.

Similar support exists for the amendment of independent claim 19.

The Office Action conceded that Welch fails to disclose the pre-allocating clause of claim 1. 05/21/2010 Office Action at 4. Instead, the Office Action cited Anderson as purportedly disclosing the pre-allocating of claim 1. *Id.* at 4-5. Specifically, the Office Action pointed to the following passages of Anderson: Abstract, column 10, line 52 – column 11, line 13; column 11, lines 36-55.

The Abstract of Anderson states that a telecommunications system has a capacity management system that has a user equipment agent that negotiates resources for a prospective connection to be established with a corresponding user equipment unit. Anderson, Abstract. As explained by Anderson, whenever a connection is requested, a user equipment agent is allocated. *Id.*, 4:49-52. The Abstract of Anderson thus does not provide any teaching or hint of pre-allocating resources as recited in claim 1, in combination with receiving a call setup request after the pre-allocating of resources, and establishing a packet-switched real-time, interactive communications session through the wireless network using the pre-allocated resources of the at least one node, in response to a call setup request.

The cited column 10 passage of Anderson refers to starting resources in areas with predicted high traffic load first before starting resources in areas with predicted low traffic load. *Id.*, 10:52-67. However, the starting of resources in high traffic load regions before the starting of resources in low traffic load regions does not provide any hint of pre-allocating resources that includes storing a pointer **associated with a particular mobile station or a particular group of mobile stations**, where the pointer indicates that the pre-allocated resources are useable by the particular mobile station or particular group of mobile stations for call setup. The identification of high traffic load regions and

the starting of resources in such high traffic load regions provides absolutely no hint of storing a pointer associated with a **particular mobile station or a particular group of mobile stations**. Stated differently, the cited column 10 passage of Anderson is concerned with starting resources by regions of a telecommunications network, and has no regard for pre-allocating resources for any particular mobile station or a particular group of mobile stations.

Column 11 of Anderson refers to pre-allocating resources for certain types of services. *Id.*, 11:1-13, 36-56. However, there is no hint in Anderson of pre-allocating resources for a particular mobile station or a particular group of mobile stations. More specifically, there is no hint in Anderson of pre-allocating resources that include storing a pointer associated with the particular mobile station or a particular group of mobile stations, where the pointer indicates that the pre-allocated resources are useable by the particular mobile station or particular group of mobile stations for call setup.

In view of the foregoing, it is clear that even if Welch and Anderson could be combined, the hypothetical combination of the references would not have led to the claimed subject matter. Moreover, in view of the significant differences between the claimed subject matter and the teachings of Welch and Anderson, no reason existed that would have prompted a person of ordinary skill in the art to combine the teachings of Welch and Anderson to achieve the claimed subject matter.

Claim 1 is therefore non-obvious over Welch and Anderson. Independent claim 19 is similarly non-obvious over Welch and Anderson.

Independent claim 13 has been amended to recite that the preallocated call setup resources include a pre-allocated Internet Protocol (IP) route having a particular quality of service. Support for this amendment of claim 13 can be found at least in ¶¶ [0034]-[0036] of the present application.

Although Anderson describes pre-allocating resources for certain types of services, such as voice channels, there is absolutely no hint in Anderson regarding pre-allocating an IP route having a particular quality of service. Welch describes initiating a packet-based real-time media session, such as a PTT session. Welch, 10:45-48. However, there is absolutely no hint in Welch regarding pre-allocating an IP route having a particular quality of service, as claimed.

In view of the foregoing, it is respectfully submitted that claim 13 is also non-obvious over Welch and Anderson.

CONCLUSION

Dependent claims, including newly added dependent claims 22 and 23, are allowable for at least the same reasons as corresponding independent claims.

The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 14-1315 (16853RRUS06N).

Respectfully submitted,

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Total Assignments: 2**Patent #:** 7420951 **Issue Dt:** 09/02/2008 **Application #:** 09609913 **Filing Dt:** 07/03/2000**Inventors:** Jerry L. Mizell, Curtis M. Provost, Martin L.J. Gallant**Title:** PACKET-SWITCHED COMMUNICATIONS IN A MOBILE NETWORK**Assignment: 1****Reel/Frame:** 010948/0362 **Recorded:** 07/03/2000 **Pages:** 3**Conveyance:** ASSIGNMENT OF ASSIGNEES INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** MIZELL, JERRY L.**Exec Dt:** 06/30/2000PROVOST, CURTIS M.**Exec Dt:** 06/30/2000GALLANT, MARTIN L.J.**Exec Dt:** 07/03/2000**Assignee:** NORTEL NETWORKS LIMITED380 ST. ANTOINE STREET WEST, 8TH FLOOR
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HOUSTON, TEXAS 77024**Assignment: 2****Reel/Frame:** 024838/0038 **Recorded:** 08/16/2010 **Pages:** 12**Conveyance:** ASSIGNMENT OF ASSIGNEES INTEREST (SEE DOCUMENT FOR DETAILS).**Assignor:** NORTEL NETWORKS LIMITED**Exec Dt:** 03/31/2010**Assignee:** KAPSCH CARRIERCOM FRANCE S.A.S.23, RUE DU ROULE
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